

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**July 13, 2006**

DIVISION ONE

B184667 County of Los Angeles, et al.  
v.  
Christian Preciado

Filed order denying petition for rehearing.

DIVISION TWO

B182357 People (Not for Publication)  
v.  
Carmouche

The judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.  
Doi Todd, J.

B182808      R.N.R. Oils, Inc., et al.      (Not for Publication)  
v.  
BP West Coast Products, LLC, et al.

The judgment and order are affirmed. Respondents are awarded costs of appeal. The petition for writ of mandate and the writ of supersedeas is denied.

Chavez, J.

We concur: Doi Todd, Acting P.J.  
Ashmann-Gerst, J.

July 13, 2006 (Continued)

DIVISION THREE

B184262      People      (Certified for Publication)  
v.  
McCann

The ruling denying McCann's motion for a finding of factual innocence under section 851.8 is reversed, and the case is remanded to the trial court with directions to grant McCann's motion.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

B188040      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Blanca M.

The orders appealed from are affirmed.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Epstein, P.J., Willhite, J., Manella, J., Suzukawa, J., Hastings, J. (Assigned) and S. Veverka, Deputy Clerk.

DIVISION FOUR (Continued)

Presiding Justice Epstein made the following comments:

“Good morning. Before I call the calendar, I have just a couple of announcements to make. First, this particular calendar is the first for two new members of the court. I wanted to take the occasion to officially recognize them and welcome them to the court; Justice Nora Manella and Justice Steven Suzukawa. This also is the last calendar, today and tomorrow, our regular calendar, for our colleague Justice Gary Hastings. Justice Hastings retired officially months ago in February, but he has been gracious and giving enough to remain with the court during the ensuing months, the transition period during which the governor considered, made a decision, nominated and then had confirmed the two new justices to the court. I look forward now to a period of prolonged tranquility in the division and it is my pleasure to welcome our two new justices and to recognize the distinguished service that Justice Hastings has given to the division, the state, and the people of California.”

Each of the following:

B186936	People v. Vaughn
B184747	People v. Robinson
B179609	People v. Bruggeman
B184360	People v. Stuart
B181018	People v. Robbins
B187572	DCFS v. Paul G.
B183205	First Baptist Church of Downey v. Morales et al.
B184907	LPP Mortgage v. Bizar et al.

Argument waived, cause submitted.

B186577      People  
                  v.  
                  Felix

Merits:

Argued by Robin R. Scroggie for appellant and by Mary Sanchez for respondent. Cause submitted.

DIVISION FOUR (Continued)

B186447     In re Miller  
                 On  
                 Habeas Corpus

Merits:

Argued by Laura Fox Martin for appellant and by Roger S. Hanson for respondent. Cause submitted.

B188323     Sagehorn, et al.  
                 v.  
                 Engle

Merits:

Argued by Robert H. Horn for appellant and by Scott E. Schutzman for respondents. Cause submitted.

B182839     SMB Limited Partnership  
                 v.  
                 The Forster Group, et al.

Merits:

Argued by Daniel S. Schneider for appellant and by Everett L. Skillman for respondents. Cause submitted.

Court recessed.

Court reconvened at 1:30 P.M.

Present: Epstein, P.J., Willhite, J., Manella, J., Suzukawa, J., Hastings, J. (Assigned) and S. Veverka, Deputy Clerk.

Each of the following:

B185945     People v. Cobb  
B184755     People v. Espinoza  
B181500     People v. Yi  
B183836     People v. Jose Y.  
B183225     People v. Herrera

DIVISION FOUR (Continued)

Each of the following (continued):

B187225      DCFS v. Tyrone N.  
B185430      Garcia v. Reimonenq

Argument waived, cause submitted.

B188402      Garcia-Holmes  
                 v.  
                 Los Angeles Unified School District

Merits:  
Argued by Theodore S. Kachaturian for respondent and by Christine T. Hoeffner for respondent. Cause submitted.

B185266      Cohen-Sitt  
                 v.  
                 Bennett

Merits:  
Argued by Evan Bennett, appellant in propria persona and by Mark Mitchell Geyer for respondent. Cause submitted.

B182251      El-Attar  
                 v.  
                 Tenet Healthsystems, Inc., et al.

Merits:  
Argued by Donna M. Dean for appellant and by Mark T. Kawa for respondent Tenet Healthsystems and by Larry C. Baron for respondent Hollywood Presbyterian Medical Office Building. Cause submitted.

DIVISION FOUR (Continued)

B184461     Estate of Dehgani-Fard  
              Schauer  
              v.  
              Regents of the University of California

Merits:

Argued by Nelson J. Handy for appellant and by Phunphilas Vivaran for respondent. Cause submitted.

Court adjourned.

DIVISION FIVE

B180906     Alpha Holdings, LTD.,     (Not for Publication)  
              v.  
              Travelers Indemnity Company et al.,

The judgment is reversed. Appellant(s) to recover costs.

Turner, P.J.

We concur:    Armstrong, J.  
                  Mosk, J.

B181843     California Association of PSES     (Certified for Publication)  
              v.  
              California Department of Education

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur:    Armstrong, J.  
                  Kriegler, J.

July 13, 2006 (Continued)

## DIVISION FIVE (Continued)

B185051      People                                  (Not for Publication)  
v.  
Michael Yagle

The judgment is affirmed.

Mosk, J.

We concur:   Turner, P.J.  
                      Kriegler, J.

[illegible]

The judgment is affirmed.

Mosk, J.

We concur:   Armstrong, Acting P.J.  
                      Kriegler, J.

B184899      Rory Cuiellette      (Not for Publication)  
v.  
City of Los Angeles

The judgment is reversed. Appellant(s) to recover costs.

Mosk, J.

We concur:   Armstrong, Acting P.J.  
                      Kriegler, J.

July 13, 2006 (Continued)

DIVISION FIVE (Continued)

B182012      People      (Not for Publication)  
v.  
Michael Bouie

The judgment is affirmed.

Armstrong, J.

We concur:   Turner, P.J.  
                      Kriegler, J.

B182997      Josephine Valenzuela      (Not for Publication)  
v.  
John Cher

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur:   Turner, P.J.  
                      Mosk, J.

DIVISION SIX

Court convened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J. and G. Bents, Senior Deputy Clerk.

B184294 People v. Ritchie

Argument continued to August, 2006.



DIVISION SIX (Continued)

Each of the following:

B180654 People v. Smith  
B182161 People v. Vaughan  
B182725 People v. De La Cruz  
B183312 People v. Puebla  
B183564 People v. Humason  
B183779 People v. Furness  
B184084 People v. Sirman  
B184264 People v. Davis  
B184542 People v. Sainez-Muniz  
B185097 People v. Robinson  
B185183 People v. Chavez  
B185435 People v. Phillips  
B185928 People v. Eldred  
B185936 People v. Moore  
B186560 People v. Fuentes  
B186757 People v. Bible  
B187061 People v. Zamudio  
B187477 People v. Shady

Argument waived, cause submitted.

B183247     People  
              v.  
              Russell

Merits:

Argued by Richard C. Gilman for appellant and by Noah P. Hill, Deputy Attorney General, for respondent via video conference. Cause submitted.

DIVISION SIX (Continued)

B186284     People  
              v.  
              Samaniego

Merits:

Argued by William Flenniken, Jr. for appellant and by Allison H. Chung, Deputy Attorney General, for respondent via video conference.

Counsel for appellant shall serve and file a supplemental brief on the additional issue of retroactivity within seven (7) days on or before July 20, 2006. Counsel for respondent shall serve and file any reply seven (7) days thereafter on or before July 27, 2006.

Submission is deferred two (2) weeks and the matter shall stand submitted on July 27, 2006.

B182183     People  
              v.  
              Gonzales

Merits:

Argued by Jeffrey S. Kravitz for appellant and by Daniel Chang, Deputy Attorney General, for respondent via video conference. Cause submitted.

Coffee, J. left the bench.

Perren, J. assumed the bench.

B188550     Hollywood  
              v.  
              Santa Barbara Superior Court  
              (People, r.p.i.)

Order to Show Cause:

Presented by Armand Arabian for petitioner; by David F. Glassman, Deputy Attorney General, for real party in interest; and by Gerald Franklin, Deputy District Attorney for real party in interest. Cause submitted.

July 13, 2006 (Continued)

DIVISION SIX (Continued)

Court recessed at 3:00 P.M.

Court reconvened at 3:10 P.M.

Present: Gilbert, P.J., Yegan, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B191161     Haraguchi  
              v.  
              Santa Barbara Superior Court  
              (People, r.p.i.)

Order to Show Cause:

Presented by Robert M. Sanger for petitioner; by David F. Glassman,  
Deputy Attorney General, for real party in interest; and by Gerald Franklin,  
Deputy District Attorney, for real party in interest. Cause submitted.

Court adjourned.

DIVISION EIGHT

B189532     Spolin, Silverman, Cohen & Bartlett LLP,  
              v.  
              Rubin

B190355     Rubin  
              v.  
              Spolin, Silverman, Cohen & Bartlett LLP,

Filed order consolidating above captioned appeals.

B181966     People  
              v.  
              Jenkins

Filed order modifying opinion. (No change in the judgment)

July 13, 2006 (Continued)

## DIVISION EIGHT (Continued)

B183512      Prosser      (Not for Publication)  
v.  
Osborne

For the reasons set forth above, the appeal is dismissed insofar as it concerns the judgment of dissolution entered on January 14, 2005, or the orders concerning the validity and enforceability of the MSA. To the extent the appeal is aimed at the order denying Prosser's post-judgment motion under Family code section 2122, the order is affirmed. Respondent Osborne shall recover his costs on appeal, but his motion for appellate sanctions is denied.

Rubin, J.

We concur: Cooper, P.J.  
Boland, J.